PETITION FOR ZONING VARIANCE 85-68-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

11-3-84

The undersigned, legal owner(s) of the property situate in Baltimore County and which is Jescribed in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413 1.b. To permit two signs in lieu of one with a total of 160 sq. feet in lieu of the permitted 30 sq.ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Signs needed to develop community awareness of Early Childhood

2. Existing 6' sign is only large enough to display Sunday Church. Services and Sunday School Programs. (24 sq. ft.) Location of proposed signs gives clear identification of new access to parking area.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: MARYIN KLINE, Pastor
(Type or Print Name) Fairview United Methodist (Type or Print Name) mason Kline Chur

WAYNE SLECHTER (ATTENISTIATER) Chaper States City and State Attorney for Petitioner:

(Type or Print Name) Name, address and phone number of legal owner, con-

Attorney's Telephone No.: ORDERED By The Zoning Commissioner of Baltimore County, this _____day

of _______, 19_84_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore day of ___September____, 19_84_, at 10:15 o'clock **A**. M.

Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this day of August, 1984.

Zoning Commissioner

Petitioner Fairview United Meth. ChReceived by Petitioner's Attorney

Chairman, Zoning Plans Advisory Committee

: BEFORE THE ZONING COMMISSIONER RE: PETITION FOR VARIANCE NW/S of Jarrettsville Pike, 400' NE of Merryman's Mill Rd.: (13916 Jarrettsville Pike) 10th District

FAIRVIEW UNITED METHODIST : Case No. 85-68-A

ENTRY OF APPEARANCE

:::::::

Please enter the appear to of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

OF BALTIMORE COUNTY

Max Lumer Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 20th day of August, 1984, a copy of the foregoing Entry of Appearance was mailed to Marvin Kline, Pastor, and Wayne Slechter, Administrator, Fairview United Methodist Church, 13916 Jarrettsville Pike, Phoenix, MD 21131, Petitioners.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Mr. Wayne Slechter

Dear Mr. Slechter:

13916 Jarrettsville Pike

Phoenix, Maryland 21131

August 30, 1984

RE: Item No. 1 - Case No. 85-68-A

Variance Petition

In view of your proposal to legalize the square footage of the existing signs on this site, this hearing is required.

In accordance with our telephone conversation, the petiiton forms were revised to reflect a variance request

for each side of the two signs. This is in line with our recent change in interpretation of the sign regulations.

In addition, the square footage the existing sign must

include the stone surrounding said sign.

Fairview United Methodist Church

Peter Max Zimmerman

RE: PETITION FOR VARIANCE NW/S of Jarrettsville Pike, 400' NE of Merryman's Mill Rm (13916 Jarrettsville Pike) - 10th Election District * Fairview United Methodist

BALTIMORE COUNTY Church - Petitioner No. 85-68-A (Item No. 1)

MR. CLERK:

Please enter an appeal from the Decision of the Deputy Zoning Commissioner, Jean M.H. Jung, dated October 3, 1984 in not granting a Variance for the second sign as petitioned for.

This appeal is not from the Decision of the Deputy Zoning Commissioner aforesaid granting the Variance of the "existing stone frame church sign with a total of 80 square feet in lieu of the permitted 30 square feet".

Attached herewith please find a check in the amount of \$80.00 made payable to Baltimore County Covering said costs.

> . ERIC DINENNA 4 . ERIC DINENNA, P.A. 406 West Pennsylvania Avenue Towson, Maryland 21204 296-6820

BOARD OF APPEALS

I HEREBY CERTIFY that on this 2nd day of November, 1984, a copy of the aforegoing Notice was mailed, postage prepaid to Phyllis C. Friedman, People's Counsel, Court House, Towson, Maryland 21204 and Mr. Roger Oursler, 14 Gonstantine Drive,

JORE COUNTY, MARYLAND Z OF FINANCE - REVENUE DIVISION JELLANEOUS CASH RECEIPT

FROM: Fairview United Methodist Church

C 045*************************

FOR: Filing Fee for Appeal of Case No. 85-68-A

ATE Nov. 7. 1984 ACCOUNT R-01-615-000

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WOR
TOWSON, MARYLAND 21204

VALIDATION OR SIGNATURE OF CASHIER

HARRY J. PISTEL, P. E. DIRECTOR

July 23, 1984

District: 10th

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item #1 (1984-1985) Property Owner: Fairview United Methodist N/WS Jarrettsville Pike 400' N/E "erryman's Mill Rd. Acres: 24

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject

General:

As no public facilities are involved, this office has no comment.

GILBERT S. BENSON, P.E., Asst. Chief

GSB:EAM:ROP:ss

County Board of Appeals of Baitimore County Room 200 Court House (Hearing Room #218) Towson, Maryland 21204 (301) 494-3180 November 19, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL \$59-79

CASE NO. 85-68-A

FAIRVIEW UNITED METHODIST CHURCH

NW/s of Jarrettsville Pike, 400' NE of Merryman's Mill Rd. (13916 Jarrettsville Pike) 10th District

Variance - Sign

10/3/84 - D.Z.C.'s Order - Granted subj. to site plan; second sign Not Granted

ASSIGNED FOR: cc: Wayne Slechter

THURSDAY, FEBRUARY 21, 1985, at 10 a.m.

S. Eric DiNenna, Esq.

Counsel for Petitioner

Petitioner

Protestant

Roger Oursler Daniel Werneche

Phyllis C. Friedman People's Counsel

N. Gerber J. Hoswell A. Jablon

J. Jung J. Dyer

June Holmen, Secv.

Maryland Department of Transportation

Lowell K. Bridwell Hal Kassoff Acting Administrate

July 23, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Att: Mr. N. Commodari

Re: ZAC Meeting of 7-10-84 ITEM: #1. Property Owner: Fairview United Methodist Church Location: NW/S Jarrettsville Pike Route 146, 400* N/E Merryman's Mill Road Existing Zoning: R.C. 4 & R.C. 5 Proposed Zoning: Variance to permit two signs in lieu of the required one with a total of 60 sq. ft. in lieu of the required 30 sq. ft. Acres: 2\

District: 10th

Dear Mr. Jablon:

There is a proposed 80° right of way for Jarrettsville Pike (40' from centerline of highway). The subject plan indicates the proposed sign as being 37° from centerline of highway. The sign must be moved back a minimum of 3 additional feet.

It is requested that the plan be revised prior to a hearing date being assigned.

Very truly yours,

Charles Lee, Chief

cc: Mr. J. Ogle Bureau of Engr. Access Permits Mr. G. Wittma Ny telephone number is (301) 659-1350 Teletypewriter for Impaired Hearing or Speech

383-7555 Baltimore Metro -- 565-0451 D.C. Metro -- 1-800-492-5062 Statewide Toll Free PO Box 717 / 707 North Caivert St., Baltimore, Maryland 21203 - 0717

CL:JM:maw

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Micholas B. Commodar:

Chairman

Bureau of

Engineering

Department of

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Traffic Engineering

State Roads Commission

85-68-A

Enclosures

of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. NICHOLAS B. COMMODARI, Chairman NBC:bsc

Particular attention should be afforded to the comments

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

f the State Highway Administration. Enclosed are all comments submitted from the members

Zoning Plans Advisory Committee

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this -----_____, 19_____, that the herein Petition for Variance(s) to permit

the community, the variance(s) should /should not be granted.

The second second

Office of Planning and Zoning County Office Building Towson, Maryland 21204 Fairview United Methodist Church NWS Jarrettsville Pkke Bristing Zoning: Proposed Zoning: RC 4 & RC 5 Variance to permit 2 signs in lieu of required one B. A building/and other miscellaneous permits shall be required before beginning C. Residential: Three sets of construction drawings are required to file a permit D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Regimeer shall be required to file a permit application. E. An exterior wall erected within 6'0 of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0 of lot lines. A firewall is required if construction is on the lot line, See Table 401, line 2, F. Requested variance conflicts with the Beltimore County Building Code, G. A change of occupancy shall be applied for, along with at alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401. NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to

be construed as the full extent of any permit.

PORM 01-82

(Plans Review) at 111 West Chesspeaks Ave., 21204

If desired, additional information may be obtained by visiting Room #122

Very truly yours,

Charles E. Burnham, Chief

RE: PETITION FOR VARIANCE NW/S of Jarrettsville Pike, 400' NE of Merryman's Mill Rd. (13916 Jarrettsville : Pike) - 10th Election District Fairview United Methodist Church - Peti-No. 85-68-A (Item No. 1) Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts:

OR

RECEIV

ORDER

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON, MARYLAND 21204 NORMAN E. GERBER DIRECTOR Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Zoning Advisory Meeting of 7-10-84 Property Owner: Fairview United Methodist Church Location: NWIS Jarvetts wille Pike Nie of Morrymon's Mill Rd. The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are

 (**) There are no site planning factors requiring comment.
 ()A County Review Group Meeting is required.
 ()A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.)This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior o issuance of a building permit.)The access is not satisfactory.)The circulation on this site is not satisfactory.)The parking arrangement is not satisfactory. Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Development of this site may constitute a potential conflict with the Baltimore County Master Plan.)The amended Development Plan was approved by the Planning Board)Landscaping should be provided on this site and shown on the plan. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service)The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

: BALTIMORE COUNTY

DEPUTY ZONING COMMISSIONER

::: ::: :::

7-16-84

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING

Item No. 364, 365, 366, 367, 369, 370, 1, and 3 ZAC-Meeting of July 10, 1984

Traffic Engineering Assoc. II

The second secon

The Department of Traffic Engineering has no comments for item numbers 364, 365, 366, 367, 369, 370, 1) and 3.

TOWSON, MARYLAND 21204 494-3550

Property Owner:

Existing Zoning:

Proposed Zoning:

Location:

District.

Dear Mr. Jublon:

MSF/com

and the second second

and, therefore,

• • •

STEPHEN E. COLLINS DIRECTOR

Mr. Arnold Jablon

Zoning Commissioner County Office Building Towson, Maryland 21204

After reviewing all the evidence and testimony presented and an on-site inspection of the property, in the opinion of the Deputy Zoning Commissioner, the two-faced bulletin board church sign provides sufficient space for care center information, and a variance to grant one oversized sign would not adversely affect the health, safety, and general welfare of the community and would be in strict harmony with the spirit and intent of the zoning regulations.

IT IS ORDERED by the Deputy Zoning Commissioner, this 3 October, 1984, that a Petition for Variance to permit the existing stone frame church sign with a total of 80 square feet in lieu of the permitted 30 square feet, as shown on Petitioner's Exhibit 4, is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Office of Planning and Zoning.

ED

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE July 18, 1984 Mr. Arnold Jablon

Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

> Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Fairview United Methodist Church Location: NW/S Jarrettsville Pike 400' N/E Merryman's Mill Road

Zoning Agenda: Meeting of 7/10/84 Item No.: 1

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the feet along an approved road in Department of Public Works.

() 2. A second means of vehicle access is required for the site.

) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the

Fire Prevention Code prior to occupancy or beginning of operation. () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior

() 6. Site plans are approved, as drawn.

f(x) 7. The Fire Prevention Bureau has no comments, at this time. Special Inspection Division

IN THE MATTER OF THE APPLICATION OF **FAIRVIEW UNITED** METHODIST CHURCH FOR A VARIANCE FROM §413.1.6 OF THE BALTIMORE COUNTY ZONING REGULATIONS NW/S JARRETTSVILLE PK. 400' NE MERRYMAN'S MILL RD.

10th DISTRICT

BEFORE COUNTY BOARD OF APPEALS

BAI TIMORE COUNTY

NO. 85-68-A

OPINION

The above captioned matter came before this Board on an appeal from the decision of the Deputy Zoning Commissioner, dated October 3, 1984, wherein the requested variance for one sign was granted and the requested variance for another sign was denied.

By stipulation all parties agreed that the stone encased sign (Bulletin Board) was no longer an issue and, consequently, was not a matter to be addressed by this Board. The sign for which the Petitioner has requested a variance and the subject of this appeal, is a sign located on the corner property of the Petitioner at Jarrettsville Pike and Constantine Drive.

The hearing was held de novo. Wayne Slechter, administrator and teacher at Fairview Early Learning and Child Care Center was Petitioner's only witness. By stipulation it was agreed that the testimony of Marvin Kline, Pastor of Fairview United Methodist Church would be cumulative in nature.

Mr. Slechter testified that the subject property encompassed 3.5 acres. that the Child Care Center could not be seen from Jarrettsville Pike, that the surrounding area is of a rural characterization, that bussing to the Center is used and that a sign designating the Center was necessary in order to alert people as to the existence and location of the Center. Mr. Slechter also indicated that on occasion it is necessary to contact a relative or neighbor of a child to pick the child up from the Center because of illness or some other extraordinary matter, and that the existence

for the Summer Safari, 4'x4', totaling 32 square feet was erected without a permit in June, 1984. d. The petitioner seeks to permit the stone church sign and the wooden "Early Learning" sign to remain throughout the year and the "Summer Safari" sign to be erected each summer, a total of 152.5 square feet in lieu of the permitted 30 square feet. e. The petitioner cites the need of visual communication

:::

1. The herein petitioner requests a variance to permit

feet in lieu of the permitted 30 square feet.

feet, including the stone frame.

two signs in lieu of one with a total of 160 square

2. Testimony presented by and on behalf of the petitioner

a. A two-faced bulletin board church sign has

existed on the subject property for some time.

b. A second two-faced sign, for the Fairview Early

c. A third two-faced sign, attached to the second,

Learning and Nursery School, 4'6"x4'6", totaling

40.5 square feet was erected without a permit late

This sign is approximately 8 feet wide and 5

feet high, totaling approximately 80 square

with the community and some problems with confusion over access to the care center; only the signs and word-ofmouth have been used to publicize the center. 3. Testimony presented on behalf of the protestants indicated the dangerous nature of that portion of Jarrettsville Pike and the fact that a number of children wait for a school bus at the corner of Jarrettsville Pike and Constantine Drive.

The second second second to the second second

FAIRVIEW UNITED METHODIST CHURCH - #85-68-A

of the sign facilitates the orderly traversing of the relative or neighbor to the Center.

Testimony clearly indicated that the Petitioner has no direct access to Jarrettsville Pike. In order to ingress or egress the Church and Center property one must first enter Constantine Drive. Petitioner also testified that if one is travelling south on Jarrettsville Pike it is likely that one would pass Constantine Drive prior to noticing the Church Bulletin Board.

On cross-examination, Mr. Slechter testified that the people utilizing the Center are "regulars" and that of the forty people presently enrolled, only one is a member of the congregation. He indicated that the children come from various areas and that the present location of the sign was essential to the proper designation of the Center location. He further testified that the sign was erected prior to the completion of the construction of the Center and that the Center has never operated without the benefit of the sign.

People's Counsel gueried Mr. Slechter as to the need to list the telephone number on the sign, to which Mr. Slechter replied that he felt same to be necessary to notify the public of the Center's existence.

Protestants presented three witnesses. All three witnesses reside on Constantine Drive. Each of these witnesses appreared sincere and genuinely concerned with the continual quality of their neighborhood. Mrs. Charisse Wernecke lives most near the subject sign, but approximately one quarter mile away. Protestants acknowledged that the sign was not visible from their homes, but that they did view the sign as they entered and exited Constantine Drive. Charisse Wernecke, Mrs. J. R. McClelland and Mrs. Cheryl Watson all indicated that their primary objection to the sign was its location, the fact that it would sit too high, that it contained a phone number, that it was too large and that it was not compatible with the neighborhood. Each of the Protestants contended that, in their judgment, a sign was not necessary. Each of the witnesses acknowledged the

presence of the sign prior to the operation of the Center.

FAIRVIEW UNITED METHODIST CHURCH - #85-68-A

Mrs. McClelland suggested that a better location for the sign would be

within the same area currently used by the hurch for their temporary advertising signs, a distance of 100 feet - south of Constantine Drive.

Mrs. Watson acknowledged that Petitioner's Exhibit #2 (sample of the proposed 3' x 5' sign) was much more aesthetically acceptable but that the use of a phone number on the sign speaks of commercialization. She did acknowledge, however, that the proposed sign otherwise would seem to be appropriate for the area.

This Board heard no testimony to reflect that the health, safety and general welfare of the community would be adversely impacted by the presence of the proposed sign. There was no testimony indicating that vehicles exiting Constantine Drive would experience visual difficulty in an effort to enter Jarrettsville Pike or that vehicles traversing Jarrettsville Pike would experience difficulty observing vehicles attempting to exit Constantine Drive. Such matters, this Board believes, are of paramount concern. We are aware, as nearly everyone in north and northeast Baltimore County is aware, of the inherently dangerous nature of the Jarrettsville Pike. Were such a visual hazard demonstrated at this hearing we would, without equivocation or hesitation, deny this petition and affirm the decision of the Deputy Zoning Commissioner. Indeed, perhaps such evidence was elicited below, but our hearing is de novo and no

The test, therefore, becomes one of practical difficulty and unreasonable hardship. The evidence is clear that this Center has never operated without the presence of a sign, so we do not really know whether its operation would be impeded by the absence of the sign.

The previous sign, erected without a permit, is, in this Board's opinion, an eyesore. The proposed sign, a brown wooden sign with raised white lettering (each side), 3 feet by 5 feet in area, is an attractive sign. It is, in this Board's view,

FAIRVIEW UNITED METHODIST CHURCH - #83-68-A

aesthetically acceptable, appropriate and compatible with the surrounding area.

Some question is raised as to the necessity of inserting a phone number on the sign. Mr. Slechter believes same to be essential to the identification. location and inquiry of the Center. He prefers same to an arrow.

The Board is persuaded that the inclusion on the sign of a phone number does not commercialize the sign or the property. We are cognizant of the concerns expressed by the Protestants and concur that the previous sign was not compatible with the neighborhood.

With respect to the location of the sign, this Board most respectfully disagrees with the Protestants. The issue before this Board is a sign variance. The location of that sign on the Petitioner's property is within the sole discretion of the Petitioner, so long as he complies with the local and State laws respective to the erection of the sign. Indeed, in viewing the photos introduced this Board notes that the Church Bulletin Board contains a phone number, yet there is no objection to same. We also notice a large green road sign for Merryman's Mill Road clearly visible from

Finally, the Board is persuaded that although the Center can, now that the trees have been eliminated, be seen from Jarrettsville Pike, we are also convinced that without the presence of a sign located on the corner of Jarrettsville Pike and Constantine Drive, many individuals not familiar with the Center may well pass same in their initial efforts to locate it. Though it may be argued that most of the people utilizing the Center do so on a regular basis and, therefore, do not require a sign, it is also quite evident that an emergency could develop whereby a relative or neighbor not familiar with the Center's location might be required to respond to a call from the Center. Consequently, in this instance the presence of the sign would be of assistance.

FAIRVIEW UNITED METHODIST CHURCH - #85-58-A

In summary, the primary objection to the sign concerns its location, not its existence. Consequently, this Board is constrained to note that if the existence of a sign is not objectionable, its location is determined by the existing law. We do believe that the Petitioner has demonstrated the requisite practical difficulty or unreasonable hardship necessary to obtain a variance.

This Board shall overrule the decision of the Deputy Zoning Commissioner, dated October 3, 1984, with respect to the second sign, and permit the erection of a 3 foot by 5 foot brown wood, raised white lettered sign, more specifically shown on Petitioner's Exhibit #2.

For the reasons set forth in the aforegoing Opinion, it is this 8th day of March, 1985, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated October 3, 1984, with respect to the second sign is REVERSED, and that the variance to permit the erection of one (1) 3 foot by 5 foot brown wood sign, with raised white lettering, as described in Petitioner's Exhibit #2, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS

Muum

October 3, 1984

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

November 8, 1984

Mr. Roger Oursler 14 Constantine Drive Phoenix, Maryland 21131

RE: Petition for Variance NW/S of Jarrettsville Pike, 400' NE of Merryman's Mill Rd. (13916 Jarrettsville Pike Fairview United Methodist Church -Petitioner

Please be advised that an appeal has been filed by the attorney for the Petitioner, Fairview United Methodist Church, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

> Sincerely, Und Khlon/Eps ARNOLD JABLON Zoning Commissioner

cc: Mr. Daniel Werneche 12 Constantine Drive Phoenix, Maryland 21131

Phyllis C. Friedman, Esquire People's Counsel

RE: PFTITION FOR VARIANCE BEFORE THE NW/S of Jarrettsville Pike, 400' NE of Merryman's Mil. Rd. (13916 Jarrettsville : DEPUTY ZONING COMMISSIONER Pike) - 10th Election District Fairview United Methodist Church - Peti- :

No. 85-68-A (Item No. 1)

::: ::: ::: *** *** ***

Pirsuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts:

> two signs in lieu of one with a total of 160 square feet in lieu of the permitted 30 square feet.

2. Testimony presented by and on behalf of the petitioner

This sign is approximately 8 feet wide and 5 feet high, totaling approximately 80 square feet, including the stone frame.

40.5 square feet was erected without a permit late

feet was erected without a permit in June. 1984.

with the community and some problems with confusion over access to the care center; only the signs and word-ofmouth have been used to publicize the center.

fact that a number of children wait for a school bus at the corner of Jarrettsville Pike and Constantine Drive.

PETITION FOR VARIANCE

Petition for Variance ZONING:

Northwest side of Jarrettsville Pike, 400 ft. LOCATION:

Northeast of Merryman's Mill Road (13916

Tuesday, September 11, 1984 at 10:15 A.M. DATE & TIME:

Room 106, County Office Building, 117 W. Chesapeake PUBLIC HEARING:

Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

Mr. Wayne Slechter 13916 Jarrettsville Pike Phoenix, Maryland 21131

I have this date passed my Order in the above captioned matter in accordance with the attached.

JEAN M.H. JUNG

Deputy Zoning Commissioner

cc: Mr. Roger Oursler 14 Constantine Drive Phoenix, Maryland 21131 People's Counsel

100

Attachments

Dear Mr. Slechter:

No. 35-68-A (Item No. 1)

RE: Petition for Variance NW/S of Jarrettsville Pike, 400' NE of Merryman's Mill Rd. (13916 Jarrettsville Pike) - 10th Election District Fairview United Methodist Church - Peti-

/ery truly yours,

ARNOLD JABLON ZONING COMMISSIONER

Case No. 85-68-A Dear Mr. Oursler:

1. The herein petitioner requests a variance to permit

existed on the subject property for some time.

c. A third two-faced sign, attached to the second, for the Summer Safari, 4'x4', totaling 32 square

sign to be erected each summer, a total of 152.5 square feet in lieu of the permitted 30 square feet. e. The petitioner cites the need of visual communication

3. Testimony presented on behalf of the protestants indicated the

BALTIMORE COUNTY

a. A two-faced bulletin board church sign has

b. A second two-faced sign, for the Fairview Early Learning and Nursery School, 4'6"x4'6", totaling

d. The petitioner seeks to permit the stone church sign and the wooden "Early Learning" sign to remain throughout the year and the "Summer Safari"

10th Election District

Jarrettsville Pike)

Being the property of Fairview United Methodist Church, as shown on plat plan filed with the Zoning Department.

OF BALTIMORE COUNTY

Petition for Variance to permit two signs in lieu of one with a total of 160 sq. ft. in lieu of the permitted 30 sq. ft.

ZONING DESCRIPTION

Beginning on the North West side of Jarrettsville Pike 400' * North East of Merryman's Mill Road. Then North 76° 22' 40" West 18.57' then North 56° 41' 55" West 248.87' then North 32° 38' 20" East 213.85' then North 48° 48' 35" East 179.53' then South 57° 10' 27" East 179.63" then North 47° 34' 48" West 62.65' then South 70° 20' 52" West 81.05' then Southerly 110' = then Easterly 14' ± then Southerly 147' ± then Westerly 14' ± then Southerly 110' ± then South 42° 37' 00" West 95.00' returning to the beginning point.

Also known as 13916 Jarrettsville pike.

IN RE: PETITION FOR VARIANCE
NW/S of Jarrettsville Pike,
400' NE of Merryman's Mill Rd.
(13916 Jarrettsville Pike) 10th Election District Fairview United Methodist Church

* BEFORE THE

* BOARD OF APPEALS * OF BALTIMORE COUNTY

* Case No. 85-68-A Petitioner

Entry of Appearance

Please enter my appearance as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to my office, including but not limited to hearing dates and/or preliminary or final Orders.

> Zoning Commissioner of Baltimore Room 109 - 111 West Chesapeake Avenue Towson, Maryland 21204 494-3353

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this _____7th day of November 198 4, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to the County Attorney of Baltimore County, People's Counsel for Baltimore County, Petitioner(s) and/or Protestant(s) in the above captioned matter.

Arnold Jablon

County Board of Appeals of Baltimore County Room 200 Court House Towson, Maryland 21204 (301) 494-3180

March 8, 1985

S. Eric DiNenna, Esquire 406 W. Pennsylvania Avenue Towson, MD 21204

Re: Case No. 85-68-A Fairview United Methodist Church

Dear Mr. DiNenna:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Enclosure

cc: Mr. Wayne Slechter Mr. Roger Oursler Mr. Daniel Wernecke Phyllis Cole Friedman James G. Hoswell Arnold Jablon Jean M. H. Jung James E. Dyer

Sept. 10, 1984

Hon. Amold Jablon Communioner of Joning Ballimore County, 18d

Dear Sir,

My wife and I wish to Join our neighbors in protesting the issuance of a youing variouse al-lowing Fairvieur United McChodist Church to erect a non-conforming sign to advertise their Day Care Center.

We as have our neighbors on Constantine Dr. have made a substantial investment in our home. One of the reasons for cheasing as we did was the protection of that investment Offered by Baltimore Country Joning regulations. The commercial type sign apparently being proposed is contrary to existing equations as well as offensive to the character of the area.

Additionally, depending on repart placement, the proposed-sign couldn't be view of traggic of drivers waiting to enter formtsville Pike from Constantine Dr.

Miles car-

September 11, 1984

TO WHOM IT MAY CONCERN: This is to notify you that we object to the placement of any signs on the corner of Jarrettsville Pike and Constantine Drive. We have moved into a residential area and we do not like any other signs placed in the area other than the permanent stone setting which is currently on the church property.

Mr. + Mrs. Henry W. Smit Jr.

Mr. and Mrs. Henry W. Smit, Jr.

27 Constantine Drive
Phoenix, MD 21131

Hur Mus Annit Barrall 29 londailine OU Quarrie ML 2131 PROFESTANT'S EXHIRIT 2

My wife and I both have had considerable experience with a church operated pre-school. From that experience, we would advise the admistrators of the program at Fairview that the success of their venture defends much more on the quality of care offered and their response to childrens needs than on the size of their advertising. I quality school requires nothing more than simple identification.

> Very truly yours Robert D. Bateman Patricia M. Bateman

Robert D. Bateman Patricia N. Bateman 15 Constantine Dr Thoenix Md. 21131

	September 10,1984
	Mr. Chrold Jablon
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	Dear Sir,
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	the proposed variource belause of
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e gazaran di kali basay ajaya sandangkan aliku sama na danasah	a residential area. Situated at the
uding togs, Ethnologica Latinatures a Viennessa av I	entrance of our development, one
	wonders whether the road leads
	to a playground or amusement
	park instead of a fine
	development of lovely homei
erattean og og om om	hope you will take my
· · · ·	letter into consideration before reaching
	your desiston.
	Sincerely
	Jeanne Shields

September 7, 1984

Arnold Jablon Commissioner of Zoning

We, as property owners of a home on Constantine Drive, Baltimore

Traitle Frumley 25 Constantine Drive Phoenix, MD 21131

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Diana Itter Office of Planning and Zoning June 27, 1985 Edith T. Eisenhart, Adm. Secretary FROM County Board of Appeals

SUBJECT Case No. 85-68-A - Fairview United Methodist Church

Attached hereto is Petitioner's Exhibit #2 (drawing of sign) which was entered into evidence at the hearing before the Board in the above entitled case. Patricia Phipps, one of the members of the Board who decided this case, has signed this exhibit for authenticity. We trust this will clarify this

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Sept. 10, 1984

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September 11, 1984

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Mr. 4 Mis denny W. Smit Is. Mr. and Mrs. Henry W. Smit, Jr. 27 Constantine Drive Phoenix, MD 21131

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PROTESTANT'S

the proposed sign could the view of troppie of drivers waiting to enter faretsville Pike rom Constantin Dr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon Zoning Commissioner Date___August 24, 1984 Norman E. Gerber, Director FROM Office of Planning and Zoning Zoning Petition No. 85-68-A
SUBJECT Fairview United Methodist Church

With the exception of the small enclave of commercial development to the south, the immediate area is of a rural-residential character. It is the office's opinion that the sign proposed by the petitioner would be excessively large for such an area.

Norman E. Gerber, Virector Office of Planning and Zoning

NEG/JGH/sf

BALIMORE COUNTY, MARY AND

INTER-OFFICE CORRESPONDENCE

Date__ July 25, 1984 FROM James Thompson Case No. C-84-445 SUBJECT 13916 Jarrettsville Road

At present, this office has an active case relating to the signs which are the subject of a Petition for Variance, Item No. 1, Fairview United Methodist Church.

Please notify, in writing, once a hearing date has been set: Mr. and Mrs. John R. McClelland 33 Constantine Drive Phoenix, Maryland 21131

Protestants

23 CONSTANTINE DRIVE

ROTESTANT'S XHIBIT_/_

Sept. 10, 1984

Hon. Amold Jablan Commissioner of Joning Ballimore County, Ind

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Robert D. Bateman Patricia N. Bateman 15 Constantine Dr Phoenix Md. 21131

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- Mr. Chrold Galifon	September 10,198
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